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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,720	09/30/2003	Teck Hu	18	3991

7590

12/19/2005

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2688

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,720

Applicant(s)

HU, TECK

Examiner

Dai A. Phuong

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is response to Applicant's arguments filed 10/24/2005. Claims 1-22 are currently pending. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Xu et al. (Pub. No: 2003/0172165)

Regarding claim 1, Xu et al. disclose a method of wireless communication comprising: receiving a multicast control message ([0041], [0045] and [0051]. Specifically, a user terminal 110 includes an interface module that connects a user to the secure billing system for multicast network services. The user terminal 110 is a mobile device such as a cellular telephone. The user terminal 110 also includes a communication module to receive multicast data transmitted by multicast serving node 130. A user operates user terminal 110 to receive multicast content 195 by sending join request 117 to multicast serving node 130 via bi-directional network 106); and selecting a multicast service in response to received multicast control message ([0041], [0045] and [0051]. Specifically, the user terminal 110 also includes a communication module to receive multicast data transmitted by multicast serving node 130. The user operates user terminal 110 to receive multicast content 195 by sending join request 117 to multicast serving node 130 via bi-directional network 106).

Regarding claim 2, Xu et al. disclose all the limitation in claim 1. Further, Xu et al. disclose the method comprising: transmitting subscription information, the received multicast control message corresponding with the transmitted subscription information ([0045] and [0051]. Specifically, Xu et al. disclose that user terminal 110 sends and receives, stores charging data related to a subscription request, and forwards the charging data to billing server 170. Additionally, Xu et al. disclose multicast server 190 announcing the available multicast sessions to user terminal 110 via multicast data network 105. At step 204, service discovery 111 discovers the multicast sessions that are available. Service discovery 111 provides an operator of user terminal 110 with a list of available multicast sessions and **the relevant information for each session**).

Regarding claim 3, Xu et al. disclose all the limitation in claim 1. Further, Xu et al. disclose the method wherein the subscription information comprises at least one of multicast subscription type, payment authentication data, and billing information ([0041], [0045] and [0051]. Specifically, Xu et al. disclose service discovery 111 provides an operator of user terminal 110 with a list of available multicast sessions and the relevant information for each session. The relevant information includes the **starting time and cost associated with a multicast session**.

Regarding claim 4, Xu et al. disclose all the limitation in claim 1. Further, Xu et al. disclose the method wherein the step of receiving a multicast control message is **at least one** or performed during a multicast service setup prior to receiving multicast content ([0041], [0045] and [0051]).

Regarding claim 5, Xu et al. disclose all the limitation in claim 1. Further, Xu et al. disclose the method wherein the step of receiving a multicast control message is performed in real-time, while receiving multicast content ([0052]).

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 1.

4. Claims 6-13 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (Pub. No: 2003/0172165) in view of Trossen et al. (Pub. No: 2003/0157899).

Regarding claim 6, Xu et al. disclose all the limitation in claim 1. However, Xu et al. do not disclose the wherein each multicast service corresponds with at least one multicast rate.

In the same field of endeavor, Trossen et al. disclose the wherein each multicast service corresponds with at least one multicast rate ([0033] and [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user terminal of Xu et al. by specifically including each multicast service corresponds with at least one multicast rate, as taught by Sarkkinen et al., the motivation being in order to match data rate over the wireless channel.

Regarding claim 7, the combination of Xu et al. and Trossen et al. disclose all the limitation in claim 6. Further, Trossen et al. disclose the method wherein the multicast service is further selected in response to at least one subscriber resource ([0033] and [0035]).

Regarding claim 8, the combination of Xu et al. and Trossen et al. disclose all the limitation in claim 6. Further, Xu et al. disclose the method comprising: transmitting at least one feedback signal corresponding with the selected multicast service ([0051]).

Regarding claim 9, the combination of Xu et al. and Trossen et al. disclose all the limitation in claim 8. Further, Xu et al. disclose the method wherein the at least one feedback signal conveys an access time to the selected multicast service ([0058] and [0060]).

Regarding claim 10, the combination of Xu et al. and Trossen et al. disclose all the limitation in claim 6. Further, Trossen et al. disclose the method of claim 6, wherein the multicast control message comprises at least one of: number of available multicast services ([0027]. Specifically, Tresson et al. disclose in the example shown in FIG. 1, 171, 172, and 173 are layers that are an address can be associated with one or more layers. Conversely, a layer can be associated with one or more addresses.) Layer 173 corresponds to the audio component, layer 172 corresponds to the first video component, and layer 171 corresponds to the second video component. Wireless terminal 101 processes all layers (audio layer 173 and both video layers 171 and 172). Thus, wireless terminal 101 displays fast motion video and plays the music of the Rolling Stone's performance. Wireless terminals 161 and 162 process only layers 172 and 173, and thus display only the slow scan motion video and play the music); at least one resource threshold for each available multicast service ([0062]); at least one identifier for each available multicast service ([0027]); at least one radio access capability requirement for each available multicast service ([0027]); and notification of at least one of termination and continuation of multicast service ([0069]).

Regarding claim 11, the combination of Xu et al. and Trossen et al. disclose all the limitation in claim 10. Further, Trossen et al. disclose the method wherein the number of available multicast services are prioritized ([0027] and [0038]).

Regarding claim 12, the combination of Xu et al. and Trossen et al. disclose all the limitation in claim 10. Further, Trossen et al. disclose the method wherein the at least one resource threshold corresponds with at least one of allocated power and block error rate ("BLER") ([0033] and [0035]).

Regarding claim 13, the combination of Xu et al. and Trossen et al. disclose all the limitation in claim 6. Further, Trossen et al. disclose the method wherein the at least one identifier corresponds with at least one multicast rate associated with each of the number of available multicast services ([0033] and [0035]).

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 9.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Sarkkinen et al. (U.S. 6684081) multicast and broadcast service

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2688
Date: 12-10-2005


GEORGE ENG
PRIMARY EXAMINER